

GOVERNMENT OF INDIA.

DECENTRALIZATION COMMITTEE

FOR THE

ROYAL COMMISSION

ON

DECENTRALIZATION.

NOTE ON EMIGRATION

BY

सत्यमेव जयते

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NOTE ON EMIGRATION.

Early history of Emigration.

See Note on Emigration from India by Mr. J. Geoghegan, page 2.

The emigration of natives of India, who leave the country by sea to labour for hire in any country beyond the limits of India other than Ceylon and the Straits Settlements, is carried on under the provisions of India Act XI of 1883. Such emigration began in the early years of the nineteenth century, and was at first uncontrolled. It was the abolition of slavery in British colonies in 1834 which gave the first great impetus to emigration. The sugar-planters of Mauritius were not slow to perceive that India was their best recruiting ground, and a shipment of about 40 coolies seems to have reached that island in August 1834. The only control which it was at first attempted to exercise over this emigration was to require intending emigrants to appear before a magistrate, to satisfy him of their freedom of choice and knowledge of the circumstances of the case. The contracts were for five years, and generally stipulated for Rs. 5 a month, in addition to liberal rations and clothing, as the wages of an adult male.

Necessity to regulate Emigration to Mauritius.

2. The Government of Mauritius in 1836 called attention to the necessity for some regulations to ensure the well-being of emigrants on the voyage; but the whole question had already been referred to the Law Commission, in connection with a project of law then under consideration for the protection of Natives generally leaving India by sea. The opportunity was, however, taken to ask the Government of Mauritius for some account of the condition of the Indian labourer in that colony. The reply which was received depicted a fairly satisfactory state of affairs, but indicated certain points which called for regulation.

First general Emigration law passed in 1837.
Ibid, pages 3 and 4.

3. On receipt of the recommendations of the Law Commissioners, the Government of India passed Act V of 1837, which was the first general law regulating emigration. It provided for the grant of permits to intending emigrants before embarkation by a Government officer, who was to satisfy himself that the contract (which had to specify the nature, the term and the wages of the service) was understood by the labourer. The officer was also to satisfy himself as to the accommodation, food and medical attendance provided on emigrant vessels, and to refuse permits if these were not satisfactory. A register of all emigrants was to be maintained.

4. The Act, as passed, applied only to the Presidency of Fort William. The Governments of Madras and Bombay, however, urged the extension of the measure to their territories, and accordingly Act XXXII of 1837 was passed on the 20th of November of that year. It repealed Act V, 1837, and re-enacted it for the whole of the territories of the East India Company.

Extension of the law to all India.
Ibid, page 4.

5. Meanwhile an agitation had grown up in England against the emigration of Indian labourers to the colonies, and its effects were felt in India in 1838. Emigration to the West Indies was suspended in July of that year by the refusal of permits, and in November the prohibition was extended to all Colonies under the orders of the Court of Directors. In May 1839, Act XXXII of 1837 was repealed by Act XIV of 1839, and a Committee was appointed to enquire into the alleged abuses. Their report was submitted in October 1840.

Suspension of emigration in 1838.
Ibid, pages 5 and 6.

6. This report established the fact that grave abuses had prevailed, and three of the members condemned the system altogether. But Mr. (afterwards Sir J. P.) Grant in a minute of dissent recommended the introduction of a reformed system. Action on the report of the Committee was delayed pending discussions in Parliament, but eventually, in 1842 the whole question was remitted to the Government of India for decision.

Report of the Calcutta Committee.
Ibid, pages 6 to 12.

7. At the end of that year Act XV of 1842 was passed permitting emigration to Mauritius, as special arrangements had been made for the protection of the emigrants in that colony. It provided for the appointment by the Colonial Government of Emigration Agents in the Indian ports, for the grant of certificates to emigrants by these Agents, and for the licensing of emigrant ships by Government, and regulated the accommodation, food, etc., on board the ship.

Reopening of emigration to Mauritius.
Ibid, page 12.

8. Act XXI of 1843, also dealing with emigration to Mauritius marked a distinct advance, for it created the appointment of a Protector of Emigrants, distinct from the Agent, and enacted that no emigrant should leave India without a certificate signed by the Protector. It was the duty of the Protector to satisfy himself that the emigrant left India willingly, and with a full knowledge of what he was undertaking, and to ensure that the emigrant vessel was suitable, and properly fitted out.

Appointment of Protector of Emigrants created.
Ibid, page 14.

9. The first emigration law of 1837 had been a general one, but it had remained in force only for two years. The next enactment legalized emigration only to one colony,

Opening of various colonies to emigration.

Ibid, pages 16, 21, 31, 32 to 37.

and it was followed by a series of enactments opening various colonies and countries to emigration. It was not till 1864 that a general consolidating Act was passed. Jamaica, British Guiana and Trinidad were thrown open to emigration in 1844, St. Lucia and Grenada in 1855, St. Vincent, Natal and St. Kitts in 1860, Reunion in 1861 (after the negotiation of a convention with the French Government), and St. Croix (a Danish Colony in the West Indies) and Seychelles in 1863.

Ibid, page 24.

The only other Act of this period which requires notice is Act XIX of 1856, which empowered the Government of India to suspend, by notification, emigration to any British colony, when there was reason to believe that proper measures had not been taken for the protection of emigrants immediately upon their arrival in the colony, or during their residence therein, or for their safe return to India, or to provide a return passage. Emigration to Mauritius was suspended under this Act from October 1856 to April 1857.

Consolidating Act passed in 1854.
Ibid, pages 39 to 46.

10. In 1864, an Act was passed by which all the emigration Acts except those dealing with emigration to the French Colonies were consolidated and repealed. This Act (XIII of 1864), moreover, marks a second great advance, as it brought recruitment for the first time under effective control. It is needless, however, to go into the details of its provisions, for the main outlines of the system introduced then are preserved in the existing law.

Consolidating Act of 1871.
Ibid, pages 58 and 59.

11. In 1871 a fresh consolidating Act was passed (Act VII of 1871) by which the Acts regulating emigration to the French Colonies, and two amending Acts to Act XIII of 1864, were incorporated in the general law. The alterations of substance were unimportant.

The Law assumes its final shape in 1883.

12. Finally, in 1883 the law was again recast and consolidated by Act XXI of that year. A number of alterations, mostly in points of detail, were made for the rectification of defects which had been discovered in working the existing law; and as the form and arrangement of the Act of 1871 were found susceptible of improvement, it was thought advisable to repeal the Act and re-enact it with amendments.

Power of the Government of India to permit or prohibit emigration.
Section 8.
Section 9.

13. The Act specifies the countries to which emigration is lawful, but empowers the Governor General in Council to add to the list by notification, and also to prohibit emigration to any of the countries in the list on the ground of epidemic disease or excessive mortality among emigrants in such country,

or on the ground that proper measures have not been taken for the protection of emigrants, or that the agreements made with them in India are not duly enforced. Emigration is not permitted except from Calcutta, Madras and Bombay, and any other port that may be notified by the Governor General in Council. No port has yet been notified under this section, but emigration is permitted from Karachi in certain cases, action having been taken under section 106, which empowers the Government of India to declare that the provisions of the Act, or of rules made under it, shall not apply, or shall only apply with modifications, to natives leaving India to labour under an agreement made with the British Government.* A Local Government may suspend emigration on the ground of an outbreak of epidemic disease in any country, pending the orders of the Governor General in Council.

Section 7.

Section 10.

14. The Act provides for the appointment of—

Emigration Officers.

- (1) an Emigration Agent in each port by any country to which emigration is lawful, subject to the approval of the Local Government ;
- (2) a Protector of Emigrants by the Local Government in each port ;
- (3) a Medical Inspector of Emigrants by the Local Government in each port.

Section 14.

Section 16.

Section 18.

The special functions of the Protector are :—

- (a) To protect, and aid with his advice, all emigrants ;
- (b) To cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with ;
- (c) To inspect, on arrival, all vessels bringing returning emigrants to the port for which he is Protector ;
- (d) To enquire into the treatment received by the returning emigrants, both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government ; and
- (e) To aid and advise the return emigrants so far as he reasonably can.

The Protector is a whole time officer at Calcutta : at Madras the Collector, at Bombay one of the Assistant Collectors of Customs, and at Karachi the Port Officer are *ex-officio* Protectors of emigrants.

* This section was inserted by Act I of 1896 to facilitate the recruitment of coolies for the Uganda Railway.

Control over recruitment.

Section 20.

Section 23.

Section 27.

Sections 28 and 29.

Section 31.

Control over depots.

Section 41.

Section 42 and 43.

Section 49.

Control over emigrant vessels.
Sections 54, 56 and 57.

Sections 59, and 60.

Section 64.

Power of the Government of India to make rules.
Section 80.

15. All recruiters must be licensed by the Protector of Emigrants on the application of an Emigration Agent, and the license must be countersigned by the Magistrate of the District in which recruiting is carried on. The recruiter must also provide proper accommodation for emigrants pending their removal to the port. All arrangements must be registered by a registering officer appointed by the Local Government, or by the Protector if the agreement is executed in a port. Before registration the emigrants must be examined by the registering officer, who must satisfy himself that the emigrant is competent and willing to enter into the agreement, and that he has not been induced to enter into it by coercion, fraud or misrepresentation.

16. Every Emigration Agent must establish a suitable dépôt for the reception and lodging of emigrants before embarkation, and this dépôt must be licensed by the Protector, and inspected weekly by the Protector and Medical Inspector. All emigrants are there examined as to their health by the Medical Inspector, whose certificate is necessary to their embarkation.

17. All emigrant vessels must be licensed by the Local Government after a survey, and may not be so licensed, unless they comply with the conditions of the Act as to accommodation. The vessel must be provided with a qualified surgeon, and must be provided with such quantities of provision, fuel, clothing, water and medical stores as the Governor General in Council may prescribe by rule. The Governor General in Council is also empowered to prescribe the seasons at which emigrant vessel may sail to any country.

18. Finally, the Governor General in Council is empowered to make rules regulating a number of matters specified in the Act and generally to provide for the security, well-being and protection of the emigrants. Rules have been framed regulating in minute detail all the arrangements to be made for emigration; indeed, so careful has Government been, that the Government of Bengal recently found itself compelled to move the Government of India to relax a rule, and permit the embarkation on an emigrant vessel of two male goats.

G. RAINY,—31-10-07.



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COMMERCE AND TRADE.

An analysis of the correspondence carried on in the Department of Commerce and Industry under the headings, Commerce and Trade, Fisheries, Factories and Cotton Duties gives the following results.

References to the Secretary of State.

C., Commerce and Trade, March 1906, Nos. 12-14.

2. *One* routine letter was addressed to the India Office stating that no documents relating to industrial property were issued in India in 1905. This information was called for annually in the letter from the India Office, dated 31st January 1903 (C. Proceedings, March, Statistics and Commerce, 1903, Nos. 133-137).

A., Fisheries, September 1906, Nos. 1-2.

3. *One* reference was made to the Secretary of State requesting him to engage an expert for the purposes of carrying out an examination of the pearl banks near Mergui and Tavoy. The only reason for the reference was that the Local Government and the Government of India were unable to obtain an expert locally.

A., Factories, February 1906, Nos. 2-22.
A., Factories, November 1906, Nos. 1-18.

4. *Two* references were made submitting provincial reports on the working of the Indian Factories Act during 1904 and 1905.

References from Local Governments.

A. Pros., Cotton Duties, July 1906, Nos. 1-2.

5. *One* application was submitted for the exemption of certain articles from the duties leviable under the Indian Cotton Duties Act. The application was refused as the Act contains no provision for such exemption.

A., Factories, January 1906, Nos. 1-2.

6. *One* application was made under Article 76 of the Civil Account Code for sanction to the appointment of an Assistant Inspector of Factories on a salary exceeding Rs. 250 a month.

References from the Director-General of Commercial Intelligence.

A. Pros., Cotton Duties, January 1906, Nos. 7-8.
A. Pros., Cotton Duties, June 1906, Nos. 5-6.
A. Pros., Cotton Duties, December 1906, No. 2.

7. *Three* references were made by the Director-General of Commercial Intelligence under section 7 (1) of the Indian Cotton Duties Act which provides that the Governor-General in Council may fix, for the purpose of levying the duties, tariff values of cotton goods.

A. Pros., Cotton Duties, June 1906, Nos. 1-4.

8. *One* reference was made under section 36 (a) of the same Act which provides that the Governor-General in Council may make rules for certain purposes.

9. *Four* references were made under various articles of the Civil Service Regulations regarding—

- (a) the grant of leave to gazetted officers of the Department (Article 825);
- (b) the extension of the services of an officer over 55 years of age (Article 459); and
- (c) payment of travelling expenses to the head of the Department for a journey to a hill station (Article 1115).

10. *Six* references were made under various articles of the Civil Account Code regarding—

- (a) the purchase of an iron safe, buckets and fire hose [Article 98 (k)];
- (b) the purchase of a typewriter [98 (v)];
- (c) the supply of liveries and blankets to peons [Article 98 (i)];
- (d) the payment of an additional allowance to a clerk for compiling the annual index to the proceedings of the department (Article 281).

11. *One* application was submitted for administrative approval to certain alterations in the office of the Director-General, Commercial Intelligence (paragraph 771, Public Works Department Code, Volume I).

12. *One* application was submitted for sanction to making the appointment of Personal Assistant to the Director-General of Commercial Intelligence a gazetted one (*vide* Resolution of the Government of India, No. 35, Public, dated 8th November 1893, A. Proceedings, Public, April 1894, Nos. 49-72).

13. *One* reference was made regarding the appointment of the Personal Assistant to Director-General, Commercial Intelligence. This appointment is made by the Government of India (*vide* Patronage List).

14. There is little in the statements which calls for remark from the point of view of devolution. The Department of Commerce and Industry may however be asked to consider whether powers should not be delegated to the Director General of Commercial Intelligence under Article 459, Civil Service Regulations, in the case of his clerical establishment (see paragraph 9), and under Article 98 (v), Civil Account Code, to sanction the purchase of typewriters.

G. RAINY,—19-10-07.

G. C. B. P., Simla, No. 1634 H.D.—14-12-07—10.—N.C.

A. Pros., Commerce and Trade, July 1906, Nos. 7-16.
B. Pros., Commerce and Trade, July 1906, Nos. 37-38.
B. Pros., Commerce and Trade, June 1906, Nos. 19-20.
B. Pros., Commerce and Trade, November 1906, Nos. 26-28.

B. Pros., Commerce and Trade, March 1906, Nos. 14-15.
B. Pros., Commerce and Trade, May 1906, Nos. 1-2.
B. Pros., Commerce and Trade, May 1906, Nos. 8-9.
B. Pros., Commerce and Trade, May 1906, No. 10.
B. Pros., Commerce and Trade, September 1906, Nos. 3-4.
C., November 1906, Nos. 39-40.

B. Pros., Commerce and Trade, July 1906, Nos. 37-38.

A. Pros., Commerce and Trade, May 1906, No. 24.

B. Pros., Commerce and Trade, November 1906, No. 29.

COMMERCE AND TRADE.

STATEMENT A (1).

References by Government of India to Secretary of State in 1906.

Serial No.	No. and date of Proceedings.	Subject.	Authority by which reference was made to Government of India.	Acts, Rules or Departmental Order (or Code) under which reference to Secretary of State was required.
1	C., Commerce and Trade, March 1906, Nos. 12-14 (F. 5).	India Office informed that no documents relating to industrial property were issued in India during 1905.	Madras and Burma Governments.	India Office letter No. R. & S. 253, dated 31st January 1903. [C. Statistics, March 1903, Nos. 133-7.] Please also see extract from Proceedings B., September 1901, Nos. 346-66.
2	A., Fisheries, September 1906, Nos. 1-2 (F. 10).	Entertainment of an expert for the purpose of carrying out an examination of the pearl banks near Mergui and Tavoy.	Burma Government.	
3	A., Factories, February 1906, Nos. 2-23 (F. 2 of 1905).	Provincial reports on the working of the Indian Factories Act during 1904.	Local Government's and Administrations.	Paragraph 4 of Secretary of State's Despatch No. 59 (Statistics), dated the 3rd July 1890. [A. Judicial, October 1890, Nos. 235-74].
4	A., Factories, November 1906, Nos. 1-18 (F. 8).	Provincial reports on the working of the Indian Factories Act during the year 1905.	Ditto	Paragraph 4 of Secretary of State's despatch No. 59 (Statistics), dated the 3rd July 1890. [A., Judicial, October 1890, Nos. 235-74.]





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COMMERCE AND TRADE.

STATEMENT B (1).

References by major Local Governments to the Government of India on matters in regard to which the Government of India can give sanction, 1906.*

Serial No.	No. and date of Proceedings.	Subject.	Authority by which reference was made to Government of India.	Acts, Rules or Departmental Order (or Code), under which reference to Government of India was required.
1	A., Cotton Duties, July 1906, Nos. 1-2 (F. 9).	Refusal to exempt Messrs. Kilburn and Co., Calcutta, from the payment of excise duty on cotton listing and belting produced in the Dunbar Mills.	Bengal Government.	The Indian Cotton Duties Act II of 1896.
2	A., Factories, January 1906, Nos. 1-2 (F. 5 of 1905).	Proposed appointment of an Assistant Inspector of Factories for Bengal and the United Provinces.	United Provinces Government.	Article 76 (1), Civil Service Regulations.

*Madras, Bombay, Bengal, Eastern Bengal and Assam, United Provinces, Punjab, Burma and Central Provinces.





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COMMERCE AND TRADE.

STATEMENT D. (1).

References by Heads of Imperial Departments, etc., to Government of India on matters in regard to which Government of India can give sanction, 1906.

Serial No.	No. and date of Proceedings	Subject.	Authority by which reference was made to Government of India.	Acts, Rules or Departmental Order (or Code) under which reference to Government of India was required.
1	A., Commerce and Trade, May 1906, No. 24 (F. 139).	Gazetting of the appointment of Mr. P. F. Ryan, Personal Assistant to the Director-General of Commercial Intelligence.	Director-General of Commercial Intelligence.	Home Department Resolution No. 35-1701-18, dated the 8th November 1893. [A., Public, April 1893, Nos. 49-72.]
2	A., Commerce and Trade, July 1906, Nos. 1-16 (F. 133).	Grant of privilege leave to Mr. D. Shearme Assistant Director of Statistics, and appointment of Mr. C. W. E. Cotton to officiate.	Director General of Commercial Intelligence (through Comptroller, India Treasuries).	Article 825, Civil Service Regulations, and Appendices 1, 18.
3	B., Commerce and Trade, February 1906, Nos. 37-38 (F. 64).	Extension of services of two clerks in the office of the Director-General of Commercial Intelligence.	Assistant Director of Statistics.	Article 459 (a) and Appendix 1, 18, Civil Service Regulations.
4	B., Commerce and Trade, March 1906, Nos. 14-15 (F. 89).	Sanction to the local purchase of an iron safe for the office of the Director-General of Commercial Intelligence.	Director-General of Commercial Intelligence.	Article 98 (b), Civil Account Code, Volume I.
5	B., Commerce and Trade, May 1906, Nos. 1-2 (F. 111).	Sanction to purchase of buckets and a small hose required for the extinction of fire in the office of the Director-General of Commercial Intelligence.	Ditto	Ditto.
6	B., Commerce and Trade, May 1906, Nos. 8-9 (F. 126).	Sanction to the purchase of a Remington typewriter for the office of the Director-General of Commercial Intelligence.	Ditto	Article 98 (e), Civil Account Code, Volume I.
7	B., Commerce and Trade, May 1906, No. 10 (F. 129).	Sanction to the supply of liveries to certain messengers attached to the office of the Director-General of Commercial Intelligence.	Ditto	Article 98 (2) (ii), Civil Account Code, Volume I.
8	B., Commerce and Trade, June 1906, Nos. 19-20 (F. 140).	Grant of travelling allowance to the Director-General of Commercial Intelligence and an orderly who accompanied him to Simla.	Ditto	Article 1115, Civil Service Regulations, read with Appendix 1, 18.
9	B., Commerce and Trade, July 1906, Nos. 37-38 (F. 110).	Administrative approval conveyed to the estimate, amounting to Rs. 2,460, for dismantling the record racks of the office of the Director-General of Commercial Intelligence in Calcutta.	Ditto	Paragraph 771, Public Works Department Code, Volume I.
10	B., Commerce and Trade, September 1906, Nos. 3-4 (F. 201).	Sanction to the payment of Rs. 100 per mensem to the Record-Keeper of the office of the Director-General of Commercial Intelligence for compiling the annual alphabetical index to Proceedings of that Department.	Ditto	Article 281, Civil Account Code, Volume I.
11	B., Commerce and Trade, November 1906, Nos. 26-28 (F. 79).	Grant of travelling allowance to the Director-General of Commercial Intelligence and the staff that accompanied him to Simla.	Ditto	Article 1115, Civil Service Regulations, read with Appendix 1, 18.
12	B., Commerce and Trade, November 1906, No. 29 (F. 139).	Appointment of Mr. C. A. Cuttriss as Personal Assistant to the Director-General of Commercial Intelligence, <i>vice</i> Mr. P. F. Ryan.	Ditto	Patronage List.
13	C., Commerce and Trade, November 1906, Nos. 39-40 (F. 79).	Sanction to the expenditure of Rs. 5 for the supply of blankets of the two orderlies who accompanied the Director-General of Commercial Intelligence to Simla.	Ditto	Article 281, Civil Account Code, Volume I.
14	A., Cotton Duties, January 1906, Nos. 7-8 (F. 5 of 1905).	Revision of the tariff values of cotton goods taxable under the Cotton Duties Act.	Ditto	Section 7 (1) of the Cotton Duties Act, II of 1896.
15	A., Cotton Duties, June 1906, Nos. 5-6 (F. 4).	Omission of certain entries from the list of tariff values.	Ditto	Ditto.
16	A., Cotton Duties, June 1906, Nos. 1-4 (F. 3).	Revision of certain forms appended to the rules made under the Cotton Duties Act.	Ditto	Section 36 (1) (a) of the Cotton Duties Act, II of 1896
17	A., Cotton Duties, December 1906, No. 1 (F. 11).	Revision of the tariff values of cotton goods taxable under the Cotton Duties Act.	Ditto	Section 7 (1) (a) of the Cotton Duties Act, II of 1896.



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